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6 Attorneys for Defendant
PORFIRIO GUTIERREZ
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 PORFIRIO GUTIERREZ,

15 Defendant.
16

Case No. 1:23-cr-00034-JLT

STIPULATION TO CONTINUE SENTENCING
HEARING; ORDER

17 IT IS HEREBY STIPULATED, by and between the parties through their respective
18 counsel, Assistant United States Attorney Arin Heinz, counsel for plaintiff, and Assistant Federal
19 Defender Laura Myers, counsel for Porfirio Gutierrez, that the sentencing hearing scheduled for
20 November 13, 2023, may be continued to November 20, 2023, at 10:00 a.m.

21 On August 31, 2023, Mr. Gutierrez made an initial appearance for an allegation of a
22 violation of his supervised release. On October 12, 2023, he entered an admission to the charge.
23 Sentencing was set for November 13, 2023.

24 The probation officer filed a dispositional memorandum on November 6, 2023.
25 Subsequently, defense counsel made an appointment to speak with Mr. Gutierrez to review the
26 dispositional memorandum and prepare for the upcoming hearing, scheduled for the morning of
27 November 8, 2023. Shortly before the appointment time, the jail notified defense counsel that
28 Mr. Gutierrez was in the hospital.

1 Due to uncertainties regarding his current status, as well as counsel's inability to speak
2 with him as scheduled, a continuance of the sentencing hearing in this case is in the interest of
3 justice and reflects the most judicious use of the Court's resources. This brief continuance will
4 provide defense counsel with the necessary time to ensure that Mr. Gutierrez is fully prepared
5 and able to be transported to Fresno for the hearing.

6 The parties have consulted with Mr. Gutierrez's probation officer, who has indicated that
7 she is available on November 20.

8 Respectfully submitted,

9 HEATHER E. WILLIAMS
10 Federal Defender

11 Date: November 8, 2023

12 /s/ Laura Myers
13 LAURA MYERS
14 Assistant Federal Defender
15 Attorney for Defendant
16 BRUCE FRASER ARMSTRONG

17 PHILLIP A. TALBERT
18 United States Attorney

19 Date: November 8, 2023

20 /s/ Arin Heinz
21 ARIN HEINZ
22 Assistant United States Attorney
23 Attorney for Plaintiff

24 **ORDER**

25 **IT IS SO ORDERED.** The sentencing hearing currently set for November 13, 2023, is
26 hereby continued to November 20, 2023, at 10:00 a.m.

27 IT IS SO ORDERED.

28 Dated: **November 8, 2023**


UNITED STATES DISTRICT JUDGE